

REMARKS

Claims 1-21 are pending, with claims 1 and 21 being independent.

CLAIM REJECTIONS UNDER 35 USC 102

Claims 1 and 21 were rejected under 35 USC 102(b) as being anticipated by Haskal et al. (Haskal) (U.S. Patent No. 5,952,778). This rejection is respectfully traversed.

It is submitted that Fig. 1 of Haskal does not disclose "a sealing unit, which is joined with the substrate to hermetically seal the organic electroluminescent unit" as recited in independent claim 1 because three-layer protective covering 10 consisting of layers 12, 14, and 16 which the Examiner considers to be a sealing unit is not joined with glass base 8 which the Examiner considers to be a substrate.

Also, it is submitted that Fig. 2 of Haskal does not disclose "a sealing unit, which is joined with the substrate to hermetically seal the organic electroluminescent unit" as recited in independent claim 1 because protective covering 28 consisting of layers 30, 32, 34, and 36 which replaces three-layer protective covering 10 in Fig. 1 of Haskal which the Examiner considers to be a sealing unit is not joined with glass substrate 26.

Furthermore, it is submitted that Fig. 2 of Haskal does not disclose "an anti-projection unit . . . preventing an image of an interior structure of the organic electroluminescent display from being projected on the substrate" as recited in independent claims 1 and 21 because metal layer 30 formed as strips which the Examiner considers to be an anti-projection unit cannot prevent an image of an interior structure of the organic electroluminescent display shown in Fig. 2 of Haskal from being projected on glass substrate 26 through the gaps between the strips of metal layer 30 and the gaps between cathode electrodes 24 because the strips of metal layer 30 are formed directly under cathode electrodes 24 away from glass substrate 26. According to column 3, lines 23-40, of Haskal, metal layer 30 is made of a relatively stable metal such as gold, silver, aluminum, or indium, and acts to passivate cathode electrodes 24 which are made of a reactive metal or alloy such as calcium, magnesium/silver, lithium/aluminum, or magnesium/aluminum. Haskal says nothing whatsoever about metal layer 30 acting as "an anti-projection unit" as recited in claims 1 and 21. Substantially these same arguments were also

presented in the amendment of November 8, 2005. In response to these arguments, the Examiner states as follows in the Office Action of January 24, 2006:

The metal layer 30 in Haskal's reference acts as anti-projection unit, as recited in claims 1 and 21, since it prevents image of an interior structure of the display from being projected on the substrate. Although there are gaps between strips of the metal layer, the metal layer 30 of Haskal's display acts as anti-projection unit.

However, the Examiner has merely alleged that Haskal's metal layer 30 acts as an anti-projection unit without explaining why he believes this is so. Clearly, there is nothing in Fig. 2 of Haskal to prevent an interior structure of the organic electroluminescent display shown in Fig. 2 of Haskal from being projected on glass substrate 26 through the gaps between the strips of metal layer 30. The Examiner's attention is directed to the decision of *Ex parte Levy*, 17 USPQ2d 1461 (Bd. Pat. App. & Inter. 1990), at 1462 the Board states as follows:

The factual determination of anticipation requires the disclosure in a single reference of every element of the claimed combination. (Citations omitted.) Moreover, it is incumbent upon the Examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference. (Citation omitted.)

Here, the Examiner has not identified wherein the facet "preventing an image of an interior structure of the organic electroluminescent display from being projected on the substrate" of claims 1 and 21 is disclosed in Haskal. To the extent that the Examiner considers this facet of claims 1 and 21 to be inherently provided by metal layer 30 in Fig. 2 of Haskal, the Examiner's attention is directed to MPEP 2112(IV) (Eighth Edition, Revision 4, October 2005, page 2100-57) which provides as follows in pertinent part:

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." (Citation omitted.) (emphasis in original). . . .

Here, the Examiner has not provided a basis in fact and/or technical reasoning to reasonably support a determination that metal layer 30 in Fig. 2 of Haskal necessarily provides the facet "preventing an image of an interior structure of the organic electroluminescent display

from being projected on the substrate" of claims 1 and 21. Rather, the Examiner has merely alleged that metal layer 30 acts as anti-projection unit and provides this facet of claims 1 and 21.

For at least the reasons discussed above, it is respectfully requested that the rejection of claims 1 and 21 under 35 USC 102(b) as being anticipated by Haskal be withdrawn.

ALLOWABLE SUBJECT MATTER

The applicants appreciate the Examiner's indication that claims 2-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 04/21/06

By: 

Randall S. Svihla
Registration No. 56,273

1400 Eye St., N.W.
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510